

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alex Chartove on November 20, 2008.

2. The application has been amended as follows:

In the claims:

Claim 46:

Change “**thereto**,” in line 6 to -- **thereto and to enable the touchpad to move perpendicular relative to a surface of the housing when an input surface of the touchpad is parallel to the surface of the housing**, --.

Claim 54:

Change “**thereto**,” in line 4 to -- **thereto and to enable the touchpad to move perpendicular relative to a surface of the housing when an input surface of the touchpad is parallel to the surface of the housing**, --.

Claim 61:

Change “**thereto**,” in line 4 to -- **thereto and to enable the touchpad to move perpendicular relative to a surface of the housing when an input surface of the touchpad is parallel to the surface of the housing**, --.

Claim 66:

Change “**thereto**,” in line 4 to -- **thereto and to enable the touchpad to move perpendicular relative to a surface of the housing when an input surface of the touchpad is parallel to the surface of the housing**, --.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the claimed invention is directed to a portable media device comprising a movable touchpad with added functionality. Independent claims 46, 54, 61 and 66 identify the uniquely distinct feature, “wherein the gimbal action of the touchpad is configured to enable the touchpad to float relative to the housing while being constrained thereto and to enable the touchpad to move perpendicular relative to a surface of the housing when an input surface of the touchpad is parallel to the surface of the housing” presently recited in these claims in light of the amendment to these claims above. The closest prior arts, Takahashi (JP H9-251347) and Chalk et al. (WO 03/044645 A1) discussed in the Office action dated 7/9/2008, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675.

The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jimmy H Nguyen/

Primary Examiner, Art Unit 2629